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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,208	12/08/2003	Jeanette M. Cardamone	0043.03	2504

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USDA, ARS, OTT
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EXAMINER

KHAN, AMINA S

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

T-12

Office Action Summary	Application No. 10/730,208	Applicant(s) CARDAMONE ET AL.	
	Examiner Amina Khan	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smets et al. (US Patent #6,541,438 B1) or Gardner et al. (US Publication #US 2003/0092598 A1) in view of Wagner et al. (US Patent #3,702,776).

3. The primary reference of Smets et al. teaches methods of contacting fabrics with laundering solutions (column 35, paragraph 8, lines 1-7) to improve their anti-shrinkage properties (column 1, paragraph 7, lines 1-4) as claimed in claims 1. The primary reference further teaches laundering compositions comprising NaOH (column 46, example 11), hydrogen peroxide (column 26, paragraph 2, line 1), protease (optional) (column 20, paragraph 7, lines 1-5), sodium sulphite (column 31, paragraph 3, lines 1-4), triethanolamine (column 46, example 11) as claimed in claims 1,3,6, and 9, and Triton X-114 or X-100 (column 15, paragraph 1, lines 2-4) which meets the claimed limitation of non-ionic surfactants of the structural formulas claimed in claims 2,4,5,7,8, 10, 11 and 13. The primary reference further teaches compositions in which proteases may be substituted with non-protease enzymes (column 20, paragraph 7, lines 1-11) as claimed in claim 6 and bleaches such as dichloroisocyanurates (column 26, paragraph

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4) may be substituted for by hydrogen peroxide (column 26, paragraph 2, line 1) as claimed in claim 12.

4. The primary reference of Gardner et al. teaches processes for treating fabrics (page 6, paragraph 0078) to produce shrink-resistant and wrinkle-free textiles (page 1, paragraph 0002, lines 1-4). The Gardner reference further teaches treatments comprising dicyandiamide (page 2, paragraph 0022, lines 12-14) and polymers of polyacrylamides (page 4, paragraph 0053, lines 1-4) as claimed in claim 1 and 14.

5. The prior art does not teach gluconic acid as a component of the fiber treatments as claimed in claim 1. However, the prior art clearly suggests the use of polycarboxylates (Smets et al: column 27, paragraph 4, lines 1-3; Gardner et al: page 2, paragraph 0025, lines 1-5).

6. The secondary reference of Wagner et al. in the analogous art of processes for shrinkproofing wool (column 1, abstract) teaches textiles treated with compositions comprising gluconic acid (page 3, paragraph 3, line 7) as claimed in claim 1.

7. Therefore, from the teachings of the secondary references one of ordinary skill in the art would be motivated to modify the primary references by incorporating the gluconic acid as taught and suggested by the secondary reference and would be expected to have similar properties. It is prima facie obvious to combine the teachings of the two references, each taught for the same purpose, to yield a third composition for that very purpose. *In re Kerkhoven*, 205 USPQ 1069, *In re Pinten*, 173 USPQ 801, and *In re Susi*, 169 USPQ 423 when ingredients are well known and combined for their known properties, the combination is obvious absent unexpected results. A person of

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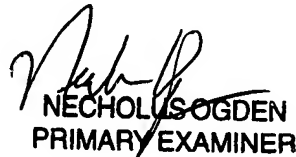
ordinary skill in the hair dyeing art would expect combinations of these materials to behave in the same fashion as the individual materials, absent unexpected results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Amina Khan, PhD
Patent Examiner
August 30, 2005


NICHOLAS OGDEN
PRIMARY EXAMINER